

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DURAVEST, INC.

Plaintiff,

VISCARDI AG, WOLLMUTH, MAHER & DEUTSCH;  
MASON H. DRAKE, ESQ., BRUCE O'DONNELL CP;  
BRUCE O'DONNELL CPA/PFS P.A., BIOMEDICAL  
CONSULTANT SL, RICHARD MARKOLL and  
ERNESTINE BINDER MARKOLL,

Defendants.  
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: No. 07 CIV 10590

: Hon. Jed Rakoff, U.S.D.J.

**DECLARATION OF  
WALTER SCHUBERT**

WALTER SCHUBERT hereby states, under penalty of perjury:

1. I am over eighteen years old and am competent to testify to the facts and matters set forth in this declaration.

2. I am the principal of the Schubert Group, LLC. ("TSG") and its only employee. I submit this affidavit as I understand that certain material I posted on TSG's web site has been referred to in the above-captioned litigation. Contrary to the statements on certain of the website pages of TSG, TSG does not have an Investment Banking practice, or an Investment Banking Team.

3. Friedrich-Wilhelm Göbel ("Göbel"), the co-founder and Chief Executive Officer of Viscardi AG ("Viscardi"), has for many years been a personal friend. He is not, and has never been, associated with TSG. He is not an employee or a "Team Leader." Göbel does not, and has never, maintained an office or telephone at an office associated with either TSG or the SGI, LLC, an inactive broker-dealer that I ran.

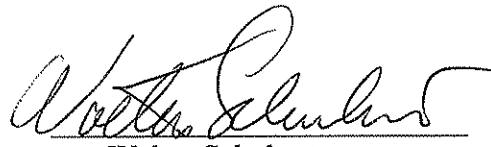
4. Rather, I used Göbel's likeness and biography, as well as the logo of Viscardi and links to its web site, without Göbel's authorization, and without the authorization of any Viscardi representative.

5. This past week, Göbel contacted me by telephone and demanded that all pages relating to him or Viscardi be removed from the site, and I removed such pages immediately.

6. To my knowledge, Göbel has never used TSG's offices at 111 Broadway for any purpose other than meeting me there socially. He has not entertained or met with any client there, or used the telephones there.

7. I declare under penalty of perjury that the foregoing is true and correct.

DATED: May 5, 2008

  
Walter Schubert